

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

76935

RECEIVED
NOV 19 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

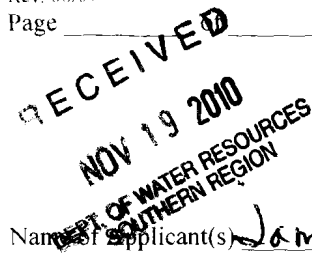
Yes ☒ N/A ☐

* Means the item is always required and must be included with the application.

- ☐ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☐ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) James B. Ritter &/or Linda Ritter Phone 208.886.2163
Mailing address PO Box 28 Richfield ID 83349 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

James B Ritter
Signature of Applicant or Authorized Representative

owner
Print Name and Title if applicable

Nov 17
Date

Linda D Ritter
Signature of Applicant or Authorized Representative

owner
Print Name and Title if applicable

11/18/10
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2. Change one of the 4 existing diversion points to a new pump Station. Change place of use to reflect new pivot installations.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or Part	37-49	4.2 cfs	IRRIGATION	3.15 to 11.15	Littlewood River/
☐				to	Malad River
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 4.2 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 4.2 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NW	SE	NW	23	5S	18E	Lincoln	L.W. River	East Ditch
		SE	NE	NW	23	5S	18E	"	"	West Ditch
		SE	NE	NW	27	5S	18E	"	"	Upper Pump
X		SE	SW	SE	28	5S	18E	"	"	New Pump

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	18E	27		19.9			28.2	1.3	25.9	25.9		28.8	6.1					136.10	
		28				22.2									26.3		13.6	17.5	79.100

Total Acres (for irrigation use) 215.70

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Ditch diversions (both) - weirs & screwgates
upper + New pump - will install flow meters. All diversions regulated
by WD37M.

b. Who owns the property at the point(s) of diversion? Dams Sec 23 - 7 mile Ranch (ward)
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: pumps are on applicants land. Ditch diversions are existing and have
been in place since development of the right

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☒ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: FHA (Farm Service)

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: No change in total irrigated acres

e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: None

f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use.
☐ ☒ currently leased to the Water Supply Bank.
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-49

Current Owner: LINDA RITTER
JAMES B RITTER
Priority Date: 4/1/1883
Origin: Water Right
Status: Active
Basis: Decreed

Source	Tributary				
LITTLE WOOD RIVER	MALAD RIVER				
Beneficial Use	From To	Diversion Rate	Annual Volume		
IRRIGATION	03/15 to 11/15	4.2 CFS			
	Total Diversion	4.2 CFS			
Location of Point(s) of Diversion					
LITTLE WOOD RIVER	NW1/4SE1/4NW1/4	Sec. 23,	Twp 05S,	Rge 18E B.M.	
LINCOLN County					
LITTLE WOOD RIVER	SE1/4SW1/4NW1/4	Sec. 27,	Twp 05S,	Rge 18E B.M.	
LINCOLN County					
LITTLE WOOD RIVER	SE1/4NE1/4NW1/4	Sec. 27,	Twp 05S,	Rge 18E B.M.	
LINCOLN County					
LITTLE WOOD RIVER	SE1/4NE1/4NW1/4	Sec. 23,	Twp 05S,	Rge 18E B.M.	
LINCOLN County					
Place of Use					
<u>IRRIGATION Within LINCOLN County</u>					
T05S R18E S27	NWNE	20.00	T05S R18E S27	NENW	30.00
T05S R18E S27	NWNW	3.70	T05S R18E S27	SWNW	24.00
T05S R18E S27	SENE	26.00	T05S R18E S27	NWSW	29.00
T05S R18E S27	SWSW	15.00	T05S R18E S28	SENE	11.00
T05S R18E S28	NESE	25.00	T05S R18E S28	SWSE	14.00
T05S R18E S28	SESE	18.00			
Total Acres: 215.7					

Page _____ of _____

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. RIGHT LIMITED TO 4.07 CFS WHEN DIVERTED FROM PUMP IN LITTLE WOOD RIVER.

Decreed Date: 9/29/2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2B *N/A*

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: _____

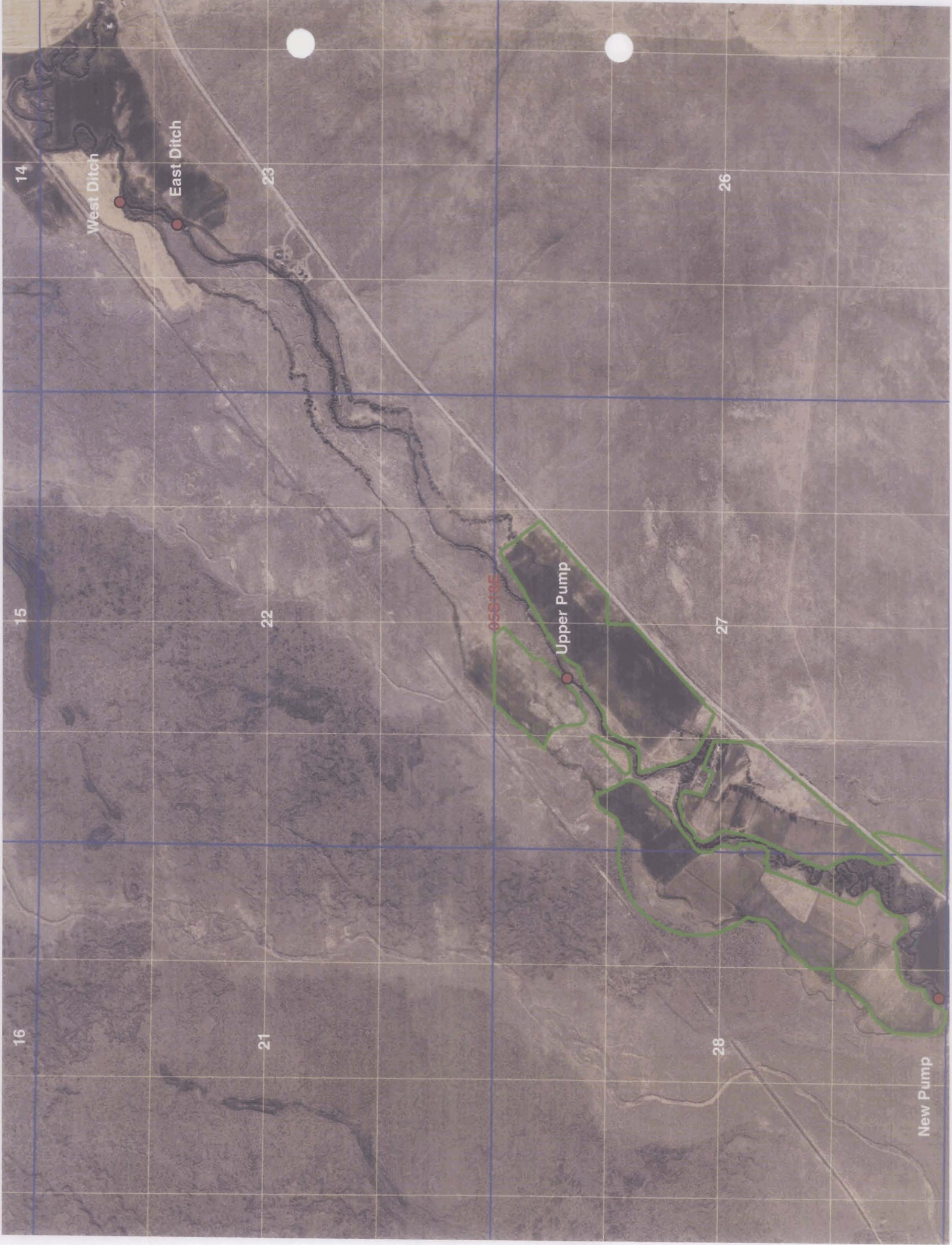
1. amount _____	(cfs/ac-ft) for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

Add'l Fee Paid _____ Date _____ Received by 0 _____ Receipt # _____





WARRANTY DEED

For Value Received

JESSIE W. RITTER,

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

JAMES B. RITTER and LINDA D. RITTER, husband and wife
 Star Route
 Richfield, Idaho 83349

Hereinafter called the Grantee, the following described premises situated in Lincoln County, Idaho, to-wit:

Township 5 South, Range 18 East of the Boise Meridian
 Section 27: $N\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$

Section 28: $SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$

Except tracts described as follows:

(a) Commencing at a point on the North line of Section 33, Township 5 South, Range 18 E.B.M., 32 3/4 rods West of the Northeast corner;

thence in a direction a little East of North 23 rods to a stone set in ground near the bank of Little Wood River marked H;

thence in a westerly and southerly direction following the line of the river to a point where said river intersects the North line of Section 33;

thence East along said North line 40 rods more or less to the place of beginning.

(b) Railroad right of way.

(c) Strip of land 80 feet in width for highway purposes as set forth in Deeds to State of Idaho as follows:

(1) Dated November 9, 1935 and recorded in Book 37 Deeds Page 528;

(2) Dated November 12, 1935 and recorded in Book 37 Deeds Page 530;

records of Lincoln County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: October 15 1976

Jessie W. Ritter
 Jessie W. Ritter

STATE OF IDAHO, COUNTY OF Gooding

On this 15th day of October 1976 before me, a notary public in and for said State, personally appeared,

Jessie W. Ritter

NOTARY

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she has executed the same.

Residing at: Gooding

Notary Public
Idaho.

STATE OF IDAHO, COUNTY OF Lincoln

I hereby certify that this instrument was filed for record at the request of Security Title Co.

at 30 minutes past 1 o'clock p.m.,
 this 15 day of Oct.
 1976, in my office, and duly recorded in Book *filed*
 of Deeds at page # 132259

Joy McClure, Auditor
 Ex-Officio Recorder

By

Fees \$

Mail to:

Security Title Co.

Deputy.

Instrument No.

432259